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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,295	11/13/2001	Linda Ann Roberts	9400-389 (01183)	2697

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Attn: Patent Docketing

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

12/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/008,295	Applicant(s) ROBERTS ET AL.	
	Examiner MARISSA THEIN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,9,11,12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-7, 9, 11-12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 1, 2010 has been entered.

Response to Amendment

Applicants' "Request for Continued Examination" filed on March 1, 2010 has been considered.

Claims 1, 7 and 12 are amended. Claims 2, 4, 8, 10, and 13-14 are canceled. Claims 1, 3, 5-7, 9, 11-12 and 15 remain pending in this application and an action on the merits follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6-7, 9, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,728,685 to Ahluwalia in view of U.S. Patent Application Publication No. 2003/0006912 to Brescia.

Ahluwalia shows providing the shopper a purchase order having an opportunity to select a notification option (see 448), wherein the notification option indicates that the shopper desire to be contacted if a triggering event occurs; receiving from the shopper the purchasing information and optionally supplied notification information; a consumer profile associated with the buyer and associated with the order information and notification information; providing a delivery date; accessing the notification information in the shopper profile; if the shopper selected the notification option, notifying the shopper via email of a changed delivery date. Ahluwalia does not explicitly show that the notification is to be in the case of a triggering event; recognizing the occurrence of the triggering event; notifying the shopper that the triggering event has occurred; and notifying the user by selecting one of a plurality of computing devices and sending the notification to the selected one of the plurality of computing devices based on the presence information using the event receiver module, wherein the presence information comprises real time presence information about the shopper's current status based on real time information of a current status of a user network connection indicating current use by the user of one of the plurality of computing devices and the real time presence information is provided by a presence database for storing the real time presence information. Ahluwalia does disclose real-time status is provided as requested or automatically in accordance with the occurrence of a predefined or significant event (col. 3, lines 27-30).

Brescia, on the other hand, teaches that the notification is to be in the case of a triggering event (paragraphs 5-6; paragraph 40); recognizing the occurrence of the

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triggering event (paragraphs 5-6; paragraph 40); notifying the shopper that the triggering event has occurred (paragraphs 40-41); and notifying the user by selecting one of a plurality of computing devices and sending the notification to the selected one of the plurality of computing devices based on the presence information using the event receiver module, wherein the presence information comprises real time presence information about the shopper's current status based on real time information of a current status of a user network connection indicating current use by the user of one of the plurality of computing devices a and the real time presence information is provided by a presence database for storing the real time presence information (paragraph 7; paragraph 44)

It would have been obvious to one of ordinary skill in the art to modify the method of Ahluwalia, to include the notification is to be in the case of a triggering event; recognizing the occurrence of the triggering event; notifying the shopper that the triggering event has occurred; and notifying the user by selecting one of a plurality of computing devices and sending the notification to the selected one of the plurality of computing devices based on the presence information using the event receiver module, wherein the presence information comprises real time presence information about the shopper's current status based on real time information of a current status of a user network connection indicating current use by the user of one of the plurality of computing devices a and the real time presence information is provided by a presence database for storing the real time presence information, as taught by Brescia, in order to

provide the information to a requester based on the requester's location and the occurrence of an event triggering (Brescia, paragraph 3).

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,728,685 to Ahluwalia and U.S. Patent Application Publication No. 2003/0006912 to Brescia as applied to claims 1 and 7 above, and further in view of Hayes, Jr. et al. (2003/0195811).

Ahluwalia and Brescia substantially discloses the claimed invention, however, the invention does not explicitly discloses notification information representative of a plurality of pathways with each having a preferred rank.

Hayes, on the other hand, teaches notification information representative of a plurality of pathways with each having a preferred rank (paragraph 7).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Ahluwalia and Brescia, to include notification information representative of a plurality of pathways with each having a preferred rank, as taught by Hayes, in order to increase customer satisfaction and minimizes the problems associated with locating customers in today's dynamic world of increasingly transient and mobile customer, thus resulting in increased revenues (Hayes, paragraph 11).

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 5-7, 9, 11-12 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marissa Thein/
Primary Examiner, Art Unit 3627
December 16, 2010